

REMARKS

Reconsideration of the present application, as amended, is respectfully requested.

By means of the present amendment, the specification has been amended to correct a certain informality.

In the Office Action, claim 7 was rejected under 35 U.S.C. §112, second paragraph as being. Applicant respectfully traverses this rejection and submits that claim 7 particularly points out and distinctly claims the subject matter which Applicant regards as the invention. Claim 7 specifically recites that "the information is communicated to the client system within a prior subset of the data set that is communicated to the client system in response to a prior request." Claim 7 depends from claim 2 which recites that "communicating information to a client system that facilitates the determination of the select IP address for each subset." For example, the information may be address information such as the current address information for the current data subset, where this current IP address is provided to the client along with the previous data subset in response to requesting the previous data subset, as described in the specification, such as from page 7,

line 29 to page 8, line 9. Accordingly, withdrawal of the rejection to claim 7 under 35 U.S.C. §112, second paragraph, is respectfully requested.

In the Office Action, claims 1-25 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0079222 (Boykin). Further, claims 1-8 and 10-25 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. 6,880,090 (Shawcross). In response, independent claims 1, 10, 14 and 22 have been amended for clarification and new claims 26-28 have been added. Applicant respectfully submits that claims 1-28 are patentable over Boykin and Shawcross for at least the following reasons.

Boykin is directed to a system and method for distributing perceptually encrypted encoded files of music and movies. As recited on page 22, left column, paragraph [0172], referring to FIG 35, a client wishing to download a file 620 searches the distributed network 610 (FIG 33) for the global list of content/files 630. A list of IP addresses is returned to the client so that the "client has all the storage information about the desired file." (Paragraph [0172], lines 25-26)

Shawcross is directed to a method and system for protecting Internet sites against denial of service attacks through use of an IP multicast address hopping technique, which selectively varies the chosen multicast IP address according to a predetermined scheme known to the communicating end stations but not to unauthorized end stations.

It respectfully submitted that Boykin and Shawcross, alone or in combination, do not teach or suggest the present invention as recited in independent claims 1, 10, 14 and 22, that amongst other patentable elements, claim 1 recites the following, with similar recitations in independent claims 10, 14 and 22 (illustrative emphasis provided):

wherein an indication of a current select IP address associated with a current subset of data is provided in response to a previous request for a previous subset of data.

Providing an indication of the current select IP address in response to a previous request for a previous subset of data is nowhere taught or suggested in Boykin, Shawcross, and combination thereof.

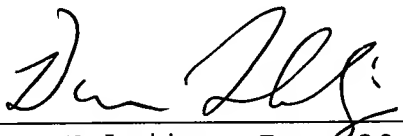
Accordingly, it is respectfully submitted that independent claims 1, 10, 14 and 22, are allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-9, 11-13, 15-21 and 23-28 should also be allowed at least based on their dependence from independent claims 1, 10, 14 and 22.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required for entrance of the accompanying amendment, they may be charged to applicant's representatives Deposit Account No. 50-3649. In addition, please credit any overpayments related to any fees paid in connection with the accompanying amendment to

Deposit Account No. 50-3649. In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By   
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October 25, 2005

Enclosure: Authorization to charge credit card \$150 for three claims in excess of 25 already paid

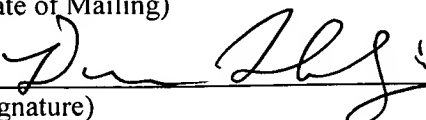
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